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James Dzurenda and Martin Naughton*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TY THOMAS,

Plaintiff,

v.

JAMES DZURENDA, et al.,

Defendants

Case No. 3:18-cv-00464-MMD-WGC

**MOTION FOR EXTENSION OF TIME
TO FILE DISPOSITIVE MOTION**

Defendants, James Dzurenda and Martin Naughton, by and through counsel Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior Deputy Attorney General, hereby move this Court for an order extending the deadline for filing dispositive motions. This is the first request the Defendants have made. This Motion is made and based upon the attached Points and Authorities, the papers and pleadings on file, herein, and such other and further information as this Court may deem appropriate.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT

This is a *pro se* prisoner civil rights action brought by Ty Thomas, (Plaintiff), asserting claims arising under 42 U.S.C. § 1983. Plaintiff alleges an Eighth Amendment claim for deliberate indifference to serious medical needs.

As the Court is aware, this is one of six cases with similar allegations being prosecuted with the assistance of attorney, Ryan Hamilton. The parties agreed that these matters should be assigned to the same discovery track for convenience and to save time and money. (ECF No. 37). The Court

1 denied the joint motion, but granted a stipulation to extend the discovery in the individual cases.
2 (ECF Nos. 39, 41)

3 This Court issued a scheduling order, (ECF No. 41) which set a dispositive motion deadline of
4 May 16, 2022. However, the date for dispositive motions was the same for all six cases. (Id.)
5 Counsel has worked diligently on the dispositive motions and has filed the motions in two of the
6 cases in a timely manner. However, Defendants are still working on the dispositive motions in this
7 and the other three cases.

8 Counsel has conferred with Counsel for the Plaintiff and confirmed that he has no objection to
9 the request for extension. In fact, he is in agreement that spreading the dispositive motions among the
10 cases will be a better use of his resources and allow him to respond appropriately. Therefore, the
11 Defendants request an additional 45 days to file their dispositive motion in this matter.

12 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

13 When an act may or must be done within a specified time, the court may,
14 for good cause, extend the time: (A) with or without motion or notice if
15 the court acts, or if a request is made, before the original time or its
16 extension expires; or (B) on motion made after the time has expired if the
17 party failed to act because of excusable neglect.

18 Defendants' request is timely and will not hinder or prejudice Plaintiff's case, but will allow
19 for a thorough opportunity to review the case through Summary Judgment. The requested extension
20 of time should permit the Defendants to file a well-researched and proper Motion for Summary
21 Judgment in this case. Counsel has been working on dispositive motions in the companion cases, as
22 well as this case. He has been unable to complete all of the motions for summary judgment in a
23 timely manner. Therefore, the Defendants request additional time to prepare for the dispositive
24 motion.

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1 **II. CONCLUSION**

2 Defendants assert that the requisite good cause and extenuating circumstance is present to
3 warrant the requested extension of time. Therefore, the Defendants requests an extension, until **June**
4 **30, 2022**, to file their Motion for Summary Judgment.

5 Dated this 16th of May 2022.

7 AARON D. FORD
8 Attorney General

9 By: /s/ Douglas R. Rands
10 DOUGLAS R. RANDS, Bar No. 3572
11 Senior Deputy Attorney General

12 *Attorneys for Defendants*

13 IT IS SO ORDERED.

14 Dated: May 18, 2022

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17 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 16th day of May, 2022, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE MOTION**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Ryan A. Hamilton, Esq.
Hamilton Law, LCC
5125 S. Durango, Suite C
Las Vegas, NV 89113

/s/ Roberta W. Bibee
An employee of the
Office of the Attorney General